

# National Education (Ireland) Bill.

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## ARRANGEMENT OF CLAUSES.

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### *Compulsory Education.*

#### Clause.

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2. Prohibition of employment of children required to attend school.
3. School attendance committees.
4. Attendance orders and enforcement thereof.
5. Exception to prohibition of employment of children.
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### SCHEDULE.

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TO

Improve National Education in Ireland.

A.D. 1892.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Compulsory Education.*

1.—(1.) In every place to which this section applies, the parent of every child not less than *six* nor more than *fourteen* years of age shall cause the child to attend school during such number of days and for such time on each day of attendance as may be prescribed for that place by regulations of the Commissioners of National Education (herein-after referred to as the Commissioners) unless there is a reasonable excuse for non-attendance. Duty of parent to send child to school.

15 (2.) Provided that a child over *eleven* years of age shall not be required to attend school if the child has received such certificate of his proficiency in reading, writing, and elementary arithmetic, as is for the time being prescribed by the Commissioners.

(3.) Any of the following reasons shall be a reasonable excuse for non-attendance of a child; namely,

20 (a.) That there is not within two miles, measured according to the nearest road, from the residence of the child any national school or other efficient school at which the child can attend, or any such school to which the parent of the child does not object, on conscientious religious grounds, to send the child;

25 (b.) That the child has been prevented from attending school by sickness or other unavoidable cause;

(c.) That the child, being under *seven* years of age, lives at too great a distance from any national school or other efficient school which he can attend, even though that distance is less than two miles;

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(d.) That the child is receiving suitable elementary education in some other manner.

Prohibition  
of employ-  
ment of  
children re-  
quired to at-  
tend school.

2.—(1.) A person shall not, except as in this Act mentioned, take into his employment in any place to which this section applies, any child—

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(i.) who is under the age of *eleven* years; or

(ii.) who, being of the age of *eleven* years or upwards, and less than *fourteen* years of age, has not obtained such certificate of his proficiency in reading, writing, and elementary arithmetic, as is for the time being prescribed by the Com-  
missioners, unless the child is employed and is attending school in accordance with the Factory and Workshop Acts, 1878 to 1891.

(2.) If any person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding *forty shillings*.

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School  
attendance  
committees.

3.—(1.) The local authority of every place to which this section applies shall appoint a school attendance committee consisting of not less than five or more than nine persons, being members of the local authority, or managers, patrons, or trustees of national schools in the place, or other persons, and shall make regulations as to the time and mode of appointment of the committee, the tenure of office by members of the committee, and the conduct of their proceedings.

(2.) The local authority of any place may for the purposes of this Act divide the place into districts, and appoint a school attendance committee for each district.

(3.) The local authority may appoint officers to assist the school attendance committee.

(4.) The expenses of a school attendance committee and of their officers shall be defrayed by the local authority who appointed them.

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Attendance  
orders and  
enforcement  
thereof.

4.—(1.) If any parent who is required by this Act to cause his child to attend school makes default without reasonable excuse in so doing, the school attendance committee shall, after due warning to the parent, make a complaint to a court of summary jurisdiction, and the court, if satisfied of the truth of the com-  
plaint, may make an order (in this Act called an attendance order) that the child do attend, in accordance with the requirements of this Act, some national school or other efficient school, and the child shall attend some such school every time that the school is open, or in such other regular manner as is specified in the order.

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(2.) If the school attendance committee have reason to believe that an attendance order has not been complied with, and that there is not

any reasonable excuse within the meaning of this Act for non-compliance therewith, they may make a further complaint to a court of summary jurisdiction, and thereupon, if the parent does not satisfy the court that the order has been complied with, or that he has used all reasonable efforts to comply therewith, the court may impose on him a fine not exceeding, with costs, *five shillings*.

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(3.) A complaint under this section with respect to a continuing non-compliance with an attendance order shall not be repeated by the school attendance committee at any less interval than *two months*.

5. A person shall not be deemed to have taken a child into his employment in contravention of this Act, if it is proved to the satisfaction of the court having cognisance of the case, either—

Exception to prohibition of employment of children.

(1) that during the employment there is not within two miles, measured according to the nearest road, from the residence of the child, any national school or other efficient school which the child can attend; or

(2) that the employment, by reason of being during the school holidays, or during the hours during which the school is not open, or otherwise, does not interfere with the efficient elementary instruction of the child, and that the child obtains such instruction by attendance, in accordance with the requirements of this Act, at a national school, or in some other equally efficient manner.

6.—(1.) Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, that agent or workman shall be liable to a fine as if he were the employer.

Exemption.

(2.) Where a child is taken into employment in contravention of this Act on the production by or with the privity of the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which the employment is not in contravention of this Act, that parent shall be liable on summary conviction to a fine not exceeding *forty shillings*.

(3.) Where an employer charged with taking a child into his employment in contravention of this Act, proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate, and under the belief in good faith in the genuineness and truth of the certificate, or on the representation by his parent that the child was of an age at which

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(4.) Where an employer satisfies the person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against and convicting that agent, workman, or parent, proceedings shall be instituted against that agent, workman, or parent, and not against the employer.

Regulations  
as to legal  
proceedings.

7.—(1.) For the purposes of this Act a court of summary jurisdiction shall be constituted of not less than two justices of the peace, or of one resident magistrate with or without other justices, or of a divisional justice of Dublin metropolis.

(2.) Any justice of the peace may by summons require any parent of a child required under this Act to attend school to produce the child before a court of summary jurisdiction; and any person failing without reasonable excuse to the satisfaction of the court to comply with such a summons shall be liable on summary conviction to a fine not exceeding *twenty shillings*.

(3.) A certificate purporting to be under the hand of the principal teacher of a national school, or other efficient school, stating that a child is or is not attending the school, or stating the particulars of the attendance of a child at the school, shall be conclusive evidence of the facts stated in the certificate.

(4.) When a child is apparently of the age alleged by the complainant in the course of any proceedings under this Act, it shall lie on the defendant to prove that the child is not of that age.

(5.) Any person may appear in any proceedings under this Act by any member of his family or any other person authorised by him in this behalf.

(6.) A school attendance committee may appear in any such proceedings by any person appointed by them in that behalf.

Regulations  
as to registers.

8. The Commissioners may make regulations as to the registers to be kept by school attendance committees and by the teachers of national schools, and as to the inspection thereof, and every school attendance committee shall comply with such regulations.

Provided that a teacher shall not be required under any such regulations to produce a register for inspection except so far as it relates to the attendance of scholars at the school.

Searches in  
registers of  
births.

9. Every superintendent registrar or registrar of births and deaths, or other person having the custody of the register books

kept in accordance with the Births and Deaths Registration Acts (Ireland), 1863 to 1880, shall at all reasonable times permit any officer of a school attendance committee, on production of an authority from the committee in a form approved by the Registrar

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26 &amp; 27 Vict.

c. 11.

43 &amp; 44 Vict.

c. 13.

5 General, to inspect the register books without any fee or reward, and to take such notes and extracts as he may deem necessary for enabling him to perform his duties under this Act.

10 10.—(1.) If the Commissioners are satisfied, after such inquiry and notice to a school attendance committee as they think expedient, that the committee have made default in performing their duties under this Act, the Commissioners may supersede the committee, and order that a new committee be appointed, or appoint a person or persons to discharge for a specified period not exceeding *two years* the duties of the committee, and may determine the remuneration to be paid to any

Provision in case of default by attendance committee.

15 (2.) During the period so specified the person or persons so appointed shall perform the duties and have all the powers of the defaulting school committee to the exclusion of that committee; but on the expiration of that period a school attendance committee shall forthwith be appointed, subject nevertheless to any further proceeding in the case of a new default.

25 (3.) All expenses incurred by any person appointed under this section, including such remuneration, if any, as the Commissioners may assign, shall be defrayed by the local authority who appointed the defaulting committee, and shall, to the amount certified by the Commissioners to be due, be a debt to the Crown from that local authority, and may be recovered accordingly, and the certificate of the Commissioners shall be conclusive evidence that the sum

30 named in the certificate is due under this section.

11. For the purposes of this Act the expression "parent" shall include the guardian of a child and every person who is liable to maintain or has the actual custody of the child.

Meaning of "parent."

35 12. If any person forges or counterfeits any certificate which is by this Act made evidence of any matter, or gives or signs any such certificate which is, to his knowledge, false in any material particular, or, knowing any such certificate to be forged or counterfeit, makes use thereof, or makes or knowingly uses any false entry in any register kept in pursuance of this Act, he shall

Forgery, false entries, and false information.

40 he liable on summary conviction to imprisonment for a period not exceeding *three months*, with or without hard labour.

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Application  
of foregoing  
provisions.

13.—(1.) The foregoing provisions of this Act shall apply to every place which either is a municipal borough or is a town or township under commissioners, and the council or commissioners of the place shall be the local authority of the place for the purposes of this Act.

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(2.) Any county council which may be established under any Act of this or any future session of Parliament may, by resolution, and shall on application made by any baronial council so established with reference to their barony or any part thereof, apply the foregoing provisions of this Act to any part of their county, and thereupon those provisions shall so apply, and the county council shall be, for the purposes of this Act, the local authority of the place to which it is so applied, and may order the expenses under this Act to be levied off that place.

Commence-  
ment of  
foregoing  
provisions.

14. The foregoing provisions of this Act shall come into operation on the *first day of January one thousand eight hundred and ninety-three*, except that a school attendance committee may be appointed, and regulations for its guidance may be framed, at any time after the *passing of this Act*.

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#### Parliamentary Grant.

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School grant  
and limit of  
school fees  
in schools  
receiving  
grant.

15.—(1.) *After the financial year ending the thirty-first day of March one thousand eight hundred and ninety-two there shall be paid out of moneys provided by Parliament an annual grant (in this Act called the school grant) in aid of education in elementary schools conducted in accordance with the regulations of the Commissioners, of two hundred and ten thousand pounds or of such other amount as Parliament may determine having regard to the amount of the fee grant under the Elementary Education Act, 1891; and the school grant shall be applied in accordance with the provisions of the schedule to this Act.*

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54 & 55 Vic.  
c. 56.

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(2.) In any school receiving aid from the school grant (and not being an evening school), where the average rate (as determined by the Commissioners) of fees received during the year *one thousand eight hundred and ninety-one* was not in excess of *six shillings* a year for each child of the number of children in average attendance at the school, no school fee shall be charged after the *first day of October one thousand eight hundred and ninety-two* for any child.

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(3.) In any school receiving aid from the school grant (and not being an evening school), where the said average rate was so in excess, the fees to be charged shall not be such as to make the

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average rate of fees for all children in average attendance at the school exceed for any year the amount of the said excess. A.D. 1892.

(4.) After the *passing of this Act* the scale of school fees in any school receiving aid from the school grant shall not be altered or fixed except with the approval of the Commissioners.

(5.) For the purposes of this section and of the schedule to this Act the expression "child" shall mean a child over *three* and under *fifteen* years of age.

*Supplemental.*

10 16. This Act shall extend to Ireland only.

Extent of  
Act.  
Short title.

17. This Act may be cited as the Irish Education Act, 1892.

## SCHEDULE.

### PROVISIONS AS TO APPLICATION OF GRANT FOR ELEMENTARY SCHOOLS.

15 The school grant shall be applied by the Commissioners in accordance with regulations to be made by them with the concurrence of the Treasury, as follows:—

20 First.—In augmenting by twenty per centum the existing rate of class salaries of teachers and of salaries of assistant teachers, and by *three shillings and sixpence* the capitation grant to schools receiving such grants and not having teachers paid by class salaries.

Secondly.—In granting a bonus of nine pounds to each male, and seven pounds ten shillings to each female, assistant teacher of seven years' standing who is classed higher than the third class.

25 Thirdly.—In awarding a third class salary to each teacher of a school having an average attendance of from twenty to thirty children.

Fourthly.—The residue shall be distributed as a capitation grant as nearly as possible in proportion to the average number of children daily attending the several schools in aid of which salaries or other money payments are paid by the Commissioners.

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